

The Honorable RICHARD A. JONES
U.S. Magistrate Judge MICHELLE L. PETERSON

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

MICHAEL ROGERS, RONALD
ACKERSON, and DAMIEN RIVERA *et al.*,

Plaintiffs,

vs.

ROSS HUNTER, Secretary of DCYF, in his
official capacity, *et al.*,

Defendants.

CASE NO. C21-5248-RAJ-MLP

STIPULATED MOTION
SEEKING CONTINUANCE OF
LITIGATION DEADLINES AND
REQUEST FOR STATUS
CONFERENCE AND ORDER

NOTE ON MOTION CALENDAR:
February 25, 2022

I. STIPULATION

The parties, by and through their respective attorneys of record, jointly move the Court pursuant to W.D. Loc. R. 16(b)(6) and 16(d) to continue litigation deadlines to allow the parties to engage in mediation. The parties also ask the Court pursuant to W.D. Loc. R. 16(c)(1) to schedule a status conference, if the Court needs additional information regarding the parties' request.

1. The parties jointly ask the Court to continue all current deadlines as set out in this Court's Order Granting Parties' Stipulated Motion Continuing Deadlines (Dkt. #89) for three months.

2. This agreement was the product of a conference between the parties on February 18, 2022. The parties are exploring whether to submit this dispute to mediation shortly. The parties have completed some discovery and wish to avoid the cost and burden of additional discovery. They believe that working with a neutral third-party mediator will either settle the entire case without further litigation or will narrow the list of issues in dispute in this lawsuit. The requested continuance would provide the parties with additional time to explore this option and prepare for the mediation process.

3. The parties agree that Defendants will re-file their Motion for Summary Judgment by March 3, 2022, to be noted for March 25, 2022. However, the parties understand that the Court may not be able to provide a ruling on Defendants' motion for summary judgment prior to mediation.

4. The parties ask the Court to re-set the due date of March 4, 2022 to June 3, 2022 for Plaintiffs to file their Motion for Class Certification and Report of Class Certification Experts. The due date for Defendants' Response to Plaintiffs' Motion for Class Certification and Report of Class Certification Experts would be re-set from April 22, 2022 to July 22, 2022. The due date for Plaintiffs' Reply re: Mot. for Class Certification would be re-set from May 27, 2022 to August 26, 2022.

5. The parties ask the Court to extend the deadline for reports of expert witnesses and all other motions for discovery from May 23, 2022 to August 22, 2022, to be noted for consideration no later than the third Friday thereafter.

6. The parties ask the Court to extend the deadline for rebuttal expert disclosures under Fed. R. Civ. P 26(a)(2) from June 24, 2022 to September 23, 2022. The deadline for

completion of discovery would likewise be extended from June 24, 2022 to September 23, 2022.

7. The parties ask the Court to extend the deadline for all dispositive motions and motions to exclude expert testimony for failure to satisfy *Daubert* from July 25, 2022 to October 24, 2022.

8. The parties also request a status conference to discuss this proposal with the Court, if the Court would find it helpful.

RESPECTFULLY SUBMITTED this 25th day of February, 2022.

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II. ORDER

IT IS HEREBY ORDERED that:

1. The motion of the parties is GRANTED pursuant to W.D. Loc. R. 16(b)(6)

2. Defendants will re-file their Motion for Summary Judgment by March 3, 2022, to be noted for March 25, 2022. However, the parties understand that the Court may not be able to provide a ruling on Defendants' motion for summary judgment prior to mediation.

3. Plaintiffs' deadline to file their Motion for Class Certification and Report of Class Certification Experts is continued from March 4, 2022 to June 3, 2022.

4. The deadline for Defendants to file their opposition to Plaintiffs' Motion for Class Certification is re-set from the due date of April 22, 2022 to July 22, 2022.

5. Plaintiffs' deadline to file their Reply re: Motion for Class Certification is re-set from May 27, 2022 to August 26, 2022.

6. The deadline for reports of expert witnesses and all other motions for discovery is re-set from May 23, 2022 to August 22, 2022, to be noted for consideration no later than the third Friday thereafter.

7. The deadline for rebuttal expert disclosures under Fed. R. Civ. P 26(a)(2) is re-set from June 24, 2022 to September 23, 2022.

8. The deadline for completion of discovery is extended from June 24, 2022 to September 23, 2022.

9. The deadline for all dispositive motions and motions to exclude expert testimony for failure to satisfy *Daubert* is re-set from July 25, 2022 to October 24, 2022.

Dated this 3rd day of March, 2022.



MICHELLE L. PETERSON
United States Magistrate Judge